

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JANUARY 17, 2018
7:00 P.M.**

Present: Mayor David McFadden
Deputy Mayor Alan McHugh
Trustee Allen Barnett
Trustee Paul Gluck
Trustee John Moon

Clerk: Deborah A. Matthews

Also: John Ledwith, Brian Nugent, Esq, Chief Melchiorre, Fred Rella, Meg Vaught,
Richard Witte, Ellen Gluck, Diana Larsen, Michele Lindsay, Jane Garofano,
Claudio Guazzoni and others.

Following roll call, Mayor McFadden called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor's Comments

The Board held an emergency meeting on December 27th to discuss the SALT component of the new tax law for New York State residents. They thoroughly studied all options for residents to prepay their 2018 Village taxes prior to December 31, 2017. Even though the Village's 2018 tax warrant is not issued until June, some residents chose to send in a check to the Village in the hopes that the law would change. These checks were not deposited and will be returned shortly.

Police Report

Chief Melchiorre gave a synopsis of December Police activities.

In response to a comment that was made at the December meeting regarding general visibility of patrolling officers throughout the Village, the Chief reported that during the month of November 2,970 miles of patrolling was done and 2,516 miles in the month of December.

DPW Report - Mr. Voss was not in attendance but the written DPW report will be attached to these minutes. Trustee Gluck complimented the DPW on doing a great job in keeping the Village roads clear during the recent snow storms.

Building Department Report

John Ledwith gave an overview of his monthly report:

Capital Improvements: Pond No. 3 bridge, Tuxedo Lake spillway control, Ridge Road water storage tanks, water regulator in the Town, water leak identified and repaired and progress of the Wee Wah Dam repairs.

He also reported that there are seven ongoing active projects in the Village, one C of O was issued, there were no property sales in December, and there were 18 property sales in 2017.

Committee Reports

Water

Mayor McFadden noted that there are some seasonal accounts that have not been billed, and these customers will be sent a letter along with a bill for their water consumption.

Trustee Barnett reported that the water department is being looked at from an accounting and a maintenance standpoint. The Village is working with its accountant to provide more pertinent reports and greater transparency. Denise has cleared up some aged receivables and the total is down to \$102K from \$140K. Any unusual water consumptions are flagged and investigated right away. Trustees McHugh and Barnett toured the water and sewer plants and found that there are many maintenance items that require action. One of the two filters at the water plant has been down for a considerable amount of time and the priority is to have both filters operational. The two water tanks on Ridge Road are also in need of attention and maintenance.

Trustee McHugh reported that the water fund may have a \$300k surplus this year. However, \$100k is needed for the water tanks and refurbishment of the two filters at \$100k each. The possibility of a reduction in water rates is very remote.

Grants

Grant Writer Fred Rella informed the Board that NYSEFC (NYS Environmental Facilities Corp.) has 60-day floating water and sewer grants available. However, they use the average household income of a community. He also reported the Village has received verbal approval on their Tree City USA application with written notification soon to follow. In regard to the WeeWah Dam, a check for the \$100,000 in grant monies awarded last year will be issued on January 31st.

Michele Lindsay, in referring to grants that Michael Bruno received from the State, explained that the first grant Mr. Bruno had been awarded, which was for both Tuxedo and Sloatsburg as a joint project, was still in the administrative phase and that no actual monies have been awarded to date.

Verizon Tower

Mayor McFadden reported that the Village received a site plan of the proposed cell tower location from Verizon, which is near the water towers on Ridge Road. In speaking to some of the neighboring property owners, the Mayor discovered that there is concern with the proposal. He suggests asking Verizon to provide them with a couple of alternative sites which could be discussed at a special meeting with public input as well as input from the BAR and Planning Board.

Trustee McHugh commented that Verizon had already looked at a number of sites over the course of the past couple of years and had narrowed it down to the Ridge Road water towers. He suggested that they do a balloon test in order to analyze the potential visual impact of what is being proposed.

Building Inspector John Ledwith stated that any alternate locations being considered must have accessibility and electricity.

Orange & Rockland Tree Work

A letter was received from O&R informing the Village that tree removal will be taking place beginning January 29th. The trees, located along various Village roads, have already been flagged by O&R. The actual removal will be done by Nelson Tree Service with Superintendent Voss and building inspector oversight.

Dam Project

Trustee McHugh reported that due to the weather, little work has taken place in the last month. The project remains at 73% completion. The goal was to have a March 2nd completion date, but that is no longer achievable. The latest estimate of a completion date is early April.

Front Entrance Booth

At the December meeting the Board discussed the possibility of using technology installed in a kiosk as an alternative or to continue with plans for the construction of a new booth at an estimated cost of \$200,000. However, the Village does not have the funds available at this time for constructing a booth.

Mayor McFadden stated that because neither he nor any of the Trustees can participate in coordinating a fundraising effort, he was made aware that efforts are under way for raising funds by a group called Friends of The Traffic Booth with \$50,000 collected to date.

Public Comments

Speakers: Meg Vaught, Claudio Guazzoni

Comments:

- *Did the Village Attorney meet with the Town Attorney regarding the Town becoming a Village?
- *A second site for the cell tower could be the other side of Southfields or at the Water Plant with the tower pointing down.
- *There's a tower proposed in the Maple Brook area as an upgrade to the 911 system and requires SEQRA review.
- *Is there bacteria in the water? Why wasn't the public notified sooner about the Health Department violation?

Responses:

- *The Village attorney received the initial materials (Town becoming Village) but hasn't yet met with Town attorney.
- *Verizon discounted the water plant location as they want a location with a high elevation.
- *As discussed at the December BOT meeting, the Orange County Health Department found a by-product of the purification process (TOC), which if not dealt with can lead to the formation of other compounds (not bacteria), which could potentially be harmful. These compounds were tested for and not found. The Health Department notified the Village that there was an issue and the Village sent out a letter immediately to all residents/water department customers.

Grievance Day

Mayor McFadden announced that Grievance Day in the Village will be held on Tuesday, February 20, 2018 from 5:00 p.m. through 9:00 p.m. in the Village Hall.

Dedication of a Portion of Ridge Road

Attorney Nugent explained that the subject parcel of land has a property line that runs partially through Ridge Road. The property owner would like to deed this portion of the road to the Village (without any cost to the Village). The site has been looked at by both Superintendent Voss and Building Inspector Ledwith.

A motion was made by Mayor McFadden, seconded by Trustee Moon that the Board authorize Attorney Nugent to work with Mr. Christensen, attorney for the property owner, in preparing the necessary documents for deeding a portion of Ridge Road to the Village.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Authorize Village Court Use of Town Court Room

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board adopt the following resolution for authorizing extraterritorial proceedings of the Village of Tuxedo Park Justice Court pursuant to Uniform Justice Court Act 106(3):

WHEREAS, the New York State Uniform Justice Court Act, Section 106, subdivision 3, provides that a village may hold village court proceedings, including jury trials, in that portion of the town or towns in which such village is located beyond the limits of such village where suitable accommodations for such proceedings cannot be obtained within the village and the Board of Trustees of the Village has authorized such extraterritorial proceedings;

WHEREAS, the Village of Tuxedo Park Justice Court ("Justice Court") has requested authorization of the Village Board of the Village of Tuxedo Park ("Village Board") to utilize the Town of Tuxedo Justice Court facilities to conduct a jury trial currently scheduled for February 26, 2018 at 9:00 A.M. as the Village Justice Court facilities do not have suitable and sufficient accommodations to conduct such jury trial.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth fully.

Section 2. The Village Board hereby authorizes the extraterritorial proceedings consisting of a jury trial in the matter of People of the State of New York v. Eric Yacknowitz to be held in the Town of Tuxedo Justice Court facilities as currently scheduled for February 26, 2018 at 9:00 A.M.

Section 3. The Village Board further authorizes that such extraterritorial proceedings of such jury trial on any other adjourned date, rescheduled date or continuation date of such jury trial until such jury trial and its related proceedings are concluded.

Section 4. The Village Clerk is directed to forward a copy of this Resolution to the Village Justice Court and any other person so requesting or requiring a copy of such Resolution.

Section 5. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Appointment of BZA Chairman

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees appoint Houston Stebbins as Chairman of the Board of Zoning Appeals for the term ending June 30, 2018.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

NEAMI 3rd Party Administrator Agreement for PERMA (Workers' Comp)

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Mayor be authorized to sign the NEAMI Program Agreement for Third Party Administration Services as set forth in the agreement in connection with the Village's obligation to secure and provide Workers' Compensation for and to its employees.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

NYSHIP Excelsior Plan Participation

A motion was made by Mayor McFadden, seconded by Trustee Moon that the Board of Trustees authorize, in addition to current participation in the NYSHIP Empire Plan, the Village's participation in the New York State Health Insurance Program (NYSHIP) Excelsior Plan for full time Police Officers who are hired after May 1, 2017 consistent with any collective bargaining negotiations.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Draft Introductory Local Law D1 of 2018 – Short Term Rentals

A brief discussion was held on the proposed local law.

A motion was made by Mayor McFadden, seconded by Trustee Moon that Introductory Local Law D1 of 2018, a local law amending the Village Code concerning the regulation of the use of

residence buildings within the Village for other than permanent residence purposes and advertising or residence buildings, be introduced.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Set Public Hearing Date

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that a public hearing on Introductory Local Law D1 of 2018 be scheduled for Wednesday, February 21, 2018 at 6:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Draft Introductory Local Law D2 of 2018-Non-Utility Devices in Public Right-of-Way & Easements

A brief discussion was held on the proposed local law.

A motion was made by Mayor McFadden, seconded by Trustee Barnett that Introductory Local Law D2 of 2018, a local law amending the Village Code to regulate non-utility devices in public right-of-way and easements.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Set Public Hearing Date

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that a public hearing on Introductory Local Law D2 of 2018 be scheduled for Wednesday, February 21, 2018 at 6:01 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Assessor Position

Trustee Moon stated that at a previous meeting, the Board had voted to hire a part time assessor and to also hire a firm to do a reassessment of the entire Village. RFP's were sent out for a part time assessor position, but the time frame for producing a tentative assessment roll by February 1st is not feasible at this time for a new person to do.

A motion was made by Trustee Moon, seconded by Deputy Mayor McHugh that the Board adopt the following resolution that the Village Board of Trustees shall act as the Village's Board of Assessors:

WHEREAS, Section 3-301(2)(b) of the New York State Village Law authorizes the Village of Tuxedo Park Board of Trustees ("Village Board") to determine by resolution that the entire Village Board will act as the Village's Board of Assessors until otherwise determined; and

WHEREAS, the Village Board deems it necessary and proper for said Village Board to be appointed as the Village's Board of Assessors; and

WHEREAS, the Board of Assessors shall carry out the duties of assessor in accordance with the laws of the State of New York.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth in full.

Section 2. The Village Board hereby determines that the entire Board of Trustees shall act as the Village's Board of Assessors pursuant to Section 3-301(2)(b) of the Village Law.

Section 3. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Public comments:

Speakers: Jane Garofano, Claudio Guazzoni, Richard Witte, Fred Rella

Comments:

*Why hasn't there been a Mayor's newsletter in the seven months this board has been in office?

*What is the board doing to lower taxes since they can't be deducted any longer? The budget should be reduced by 10%.

*Amazed at all the work the Village Board does. The Village is overwhelmed by the school taxes and in some states, their sales tax pays for the school taxes.

*As a tax expert, Mr. Rella offered his assistance to the Board.

Responses:

*A newsletter will be taken into consideration. Currently there is the Village website as well as reporting by TPFYI for obtaining information about the Village.

*Regarding the Village budget, issues not addressed in a long time are being looked at including accounting procedures, maintenance of Village facilities, water loss, etc.

Audit of Claims

Bills in the amount of \$204,939.69 in the General Fund, claim numbers 1-1 to 1-114; \$28,773.45 in the Water Fund, claim numbers W1-1 to W1-21; and \$387,967.65 in Capital Projects, claim numbers CP1-1 to CP1-3 be audited and ordered paid.

Approve Minutes

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the minutes of the December 20, 2017 Board of Trustees meeting be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the minutes of the December 27, 2017 Special Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon)

The motion was passed by a 4-0-1 vote.

Adjourn to Executive Session

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board adjourn to executive session at 8:26 p.m. for the purpose of a discussion of collective bargaining negotiations, pending litigation, and two water meter accounts (#658 and #605).

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Exit Executive Session and Reopen Regular Session

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board exit executive session at 9:10 p.m. and reopen the regular meeting.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Adjournment

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the meeting be adjourned at 9:10 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer

DPW Report**December 19, 2017 to January 16, 2018****Roads**

1. Salted roads on 12/25, 12/30, 1/4, 1/5, 1/13, 1/14, 1/15.
2. Plowed roads on 12/25, 1/4, 1/5.
3. Cleaned drains and catch basins during rain storm.
4. Worked with the water department repairing leaks by Schoolhouse Road, Nursery Road and Stebbins residence.
5. Worked overnight on 12/28/17 to replace 6" water valve and pressure regulator for the Town main line.
6. Received and put away salt deliveries.
7. Picked up Christmas trees throughout the Village.
8. Worked on trucks and plows after storm.
9. Worked at Police Station sheet rocking wall.
10. Scraped ice off roads with front end loader.
11. Washed salt off the trucks.
12. Fixed basement door at South Gate house.

Water

1. Fixed the service line valve on Rt.17 southbound in the side walk. Installed new water shut-off valve and curb box.
2. O.C.H.D. came and did annual inspection.
3. Night work - shut off water to Town on 12/27/17. Installed new 6" shut-off valve and new 6" pressure regulator.
4. Took Tcoli and Ecoli water samples after work was completed in the Town.
5. Marked out water main on Lower Continental Road for future water main replacement.
6. Flushed Kathy Norris's fire hydrant.
7. Finished reading water meters in the Village.
8. Had George Walters come and find water leak. Leak was found at the corner of 15 Nursery Road.
9. Dug up road in nursery and fixed water main break at 15 Nursery Road.
10. Periodically checked Mt. Farm pump station.
11. Dug up service gate box at 66 Summit Road at the Stebbins house and replaced old valve and curb box.
12. Started reading water meters in the Town.
13. Plugged two holes in storage tanks on Ridge Road.
14. Drained water out of boiler and hot water tank at the South Gate house. House pipes froze.
15. Greased all pumps and equipment at water plant.
16. Received chemical shipments.
17. Did daily maintenance and testing at water plant.

Sewer

1. Did daily maintenance at sewer plant.
2. Ran sewer jet in manhole at Dirk Salz residence on Continental Road.
3. Had sludge removed from sewer plant.
4. Greased all pumps and motors at sewer plant.
5. Prepared and mailed monthly sewer reports to the D.E.C.
6. Took bi-monthly sewer samples.